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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,662	03/09/2001	Lisa M. Guerra	BVOC011	7528
28875	7590	06/27/2005	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			LERNER, MARTIN	
			ART UNIT	PAPER NUMBER
			2654	

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/802,662	GUERRA ET AL.	
	Examiner	Art Unit	
	Martin Lerner	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 to 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 to 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1 to 20 are rejected under 35 U.S.C. 102(e) as being anticipated by *Woods et al.*

Regarding independent claims 1, 16, and 20, *Woods et al.* discloses a method, system, and computer program for a voice portal, comprising:

“conducting a session with a user utilizing a speech recognition portal, wherein access to a network is provided during the session via the speech recognition portal” – a session may be a call, a search through the website, or a call using the WAP (column 13, lines 16 to 41: Figure 5: 404); user interface 110 coordinates voice communications

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between voice portal 10 and the user; in an exemplary embodiment, user interface is speech oriented using word-based automatic speech recognition (ASR) for accepting input wherever possible (column 6, lines 39 to 47: Figure 2);

“receiving utterances from the user during the session via the speech recognition portal” – in general, users access voice portal 10 via telephones, such as, a cell phone 12 or a standard telephone 14 by calling a telephone number which initiates communication between telephones and voice portal 10; in an exemplary embodiment, user interface is speech oriented using word-based automatic speech recognition (ASR) for accepting input wherever possible (column 6, lines 8 to 47: Figure 2);

“performing a speech recognition process on the utterances to interpret the utterances” – user interface 110 advantageously utilizes a funneling process which funnels user response to a set of recognizable answers (column 6, lines 49 to 53); implicitly automatic speech recognition (ASR) interprets utterances;

“dynamically configuring one or more aspects of the speech recognition portal during the session” – in an exemplary embodiment, user interface 110 performs one or more of the following tasks: . . . (4) Update a user’s preference within the set of vertical domains of interest available in voice portal 10. (5) Enable or disable user preferences for that vertical domain of interest. (6) Update a user’s expertise level either generally or within a specific vertical. . . . (12) Set the list of vertical domains available to the user and its order. (Column 6, Line 59 to Column 7, Line 18)

Regarding claims 2 and 17, *Woods et al.* discloses a session may be a call, a search through the website, or a call using the WAP (column 13, lines 16 to 41: Figure

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5: 404); customer management subsystem 130 maintains, within each of the vertical domains, a set of preferences to facilitate the user interaction via voice portal 10 (column 8, line 63 to column 9, line 12: Figure 1); implicitly, the preferences stored in customer management subsystem are stored in and retrieved from memory during a session.

Regarding claim 3, *Woods et al.* discloses customer management subsystem 130 maintains customer preferences appropriate to each supported vertical domain and updates customer data from data sources dynamically (column 9, lines 3 to 5).

Regarding claim 4, *Woods et al.* discloses voice portal 10 allows the user access to information and services from web pages 30 and 40 as well as other sources available via network 20 (column 6, lines 19 to 30: Figure 1); customer management subsystem 130 maintains customer preferences appropriate to each supported vertical domain and updates customer data from data sources dynamically; for example, in the Auctions domain of interest, current bid status is updated on user request; in the e-commerce domain of interest, pricing information is current when purchase price is presented (column 9, lines 3 to 12).

Regarding claims 5 and 18, *Woods et al.* discloses vocabulary sets advantageously allow voice portal 10 to have a limited number of possible responses ("a set of commands") from which to use in speech recognition of user response at this point in the vertical domain of interest (column 27, lines 17 to 25: Figure 34).

Regarding claims 6 and 19, *Woods et al.* discloses a user can interrupt with an answer before a list or prompt is finished (column 9, lines 44 to 47); voice portal plays an introduction and prompts (column 38, lines 9 to 27: Figure 40).

Regarding claim 7, *Woods et al.* discloses an exemplary embodiment for weather, where the preference is the location that the customer requests; by default, the user's location is their ZIP code; the Most Commonly Used Location can be overridden by a current call location, if available (column 10, lines 17 to 22).

Regarding claim 8, *Woods et al.* discloses customer management subsystem 130 identifies subscribed customers via some sort of identification key, such as, for example, a telephone number and an ID ("PIN") upon entering the system; this identification preferably leads to certain preferences associated with the customer and experience level of a customer within each set of preferences (column 8, lines 50 to 59); vertical preferences may be dynamic, changing based on user's actions; preferably users are able to override all passive preferences, by setting or resetting them through voice interfaces (column 9, line 64 to column 10, line 3).

Regarding claim 9, *Woods et al.* discloses if an identified user is subscribed, voice portal 10 has information on the user, such as, credit cards and preferences from database 170; the user may specify profile information, including addresses and credit card numbers, upon subscription (column 36, line 59 to column 37, line 2); thus, a credit card number is associated with a user profile and user preferences.

Regarding claim 10, *Woods et al.* discloses a stock domain of interest, where there is a preference of which stocks and indices to look at; a Most Recently Used

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(MRU) list of TBD choices of markets and stocks may be tabulated (column 10, lines 47 to 55); implicitly, a Most Recently Used (MRU) list tracks stock purchases; a preference setup and account information is established; personalized stock information is provided (column 39, line 57 to column 40, line 12: Figure 42).

Regarding claim 11, *Woods et al.* discloses recognition of customers preferably takes place via some identification key, such as, for example, a telephone number and an ID ("PIN"); additionally, the system allows for an additional level of identification (e.g. password identification); this identification preferably leads to certain preferences associated with the customer; customer management subsystem 130 maintains, within each of the vertical domains, a set of preferences to facilitate the user interactions via voice portal 10 (column 8, lines 50 to 65); further, customer management subsystem 130 provides reporting on session and transaction history by different demographic segment, such as income bracket, gender, or age group (column 9, lines 13 to 24).

Regarding claim 12, *Woods et al.* discloses backend servers 230 include a database service support with a variety of features, including data collection and fusion; voice portal 10 detects changes to data source sites and notifies the appropriate rule manager (column 11, line 65 to column 12, line 9: Figure 3).

Regarding claim 13, *Woods et al.* discloses customer management subsystem 130 provides reporting on session and transaction history by different demographic segment, such as income bracket, gender, or age group (column 9, lines 15 to 21); advertising subsystem 120 coordinates activities related to the advertisements to be presented to the user during a communication system, where advertisements may be

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targeted to specific users (column 7, lines 19 to 29); thus, reporting on the gender of the user during a session relates to which advertisements are presented to the user.

Regarding claim 14, *Woods et al.* discloses a rule writer may develop a set of rules associated with voice portal 10; rule writers 1010 use data organizing tool 1025 to apply one of a multitude of possible forms to “pages” of information (column 16, line 39 to column 17, line 24: Figures 10 to 24); graphical user interfaces allow non-expert rule-writers to perform data searches and create forms of rules for information retrieval; once the forms are created, the forms can be frequently used to gather updated information (column 19, lines 50 to 62); in general, a rule writer is a “third party”.

Regarding claim 15, *Woods et al.* discloses user interface 110 also uses keypad entry for accepting user input when advantageous to the user (column 6, lines 53 to 58: Figure 2); user interface 110 is a “graphical interface” for web pages 30 and 40 (column 6, lines 20 to 23: Figure 1).

Declaration under 37 CFR 1.131

3. The Declarations of Prior Invention filed on 01 February 2005 under 37 CFR 1.131 have been considered but are ineffective to overcome the rejection of claims 1 to 20 under 35 U.S.C. §102(e) as being anticipated by *Woods et al.*

4. The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of *Woods et al.* While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve

a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).

Applicants' Declarations under 37 CFR 1.131 present insufficient evidence of conception of the invention. The Declarations filed by inventors Mark D. Womack and Lisa M. Guerra rely upon Exhibits A and B to support conception and/or reduction to practice at least as early as January 2000. However, Exhibits A and B do not in any way provide enablement for conception and/or reduction to practice of the claimed invention for dynamically configuring a speech recognition portal during a session.

Exhibit A represents three pages of handwritten notebook entries. The three handwritten pages are not completely legible. However, the three pages do not in any way disclose the claimed invention for dynamically configuring a speech recognition portal during a session. Exhibit A contains some disclosure of "customer selection", "scope of activities", and "rev model" for "B2B" and "B2C". Exhibit A makes no reference whatever in any form to speech recognition. Instead, it provides some disclosure of sales, application, fees, advertising, and services. Thus, Exhibit A cannot in any way provide support for conception and/or reduction to practice of the claimed invention for dynamically configuring a speech recognition portal during a session.

Exhibit B represents twenty-four pages of slides for an investor presentation. The investor presentation provides information of a nature directed to financial/marketing projections, business models/plans, and management team, so as to obtain financing from investors and/or venture capitalists. Exhibit B mentions speech

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recognition only generically on Slide 3, Slide 7, Slide 14, and Slide 15. However, Slides 3, 7, 14, and 15 do not in any way provide support for conception and/or reduction to practice of the claimed invention for dynamically configuring a speech recognition portal during a session. Thus, Exhibit B does not present evidence for conception and/or reduction to practice of the claimed invention.

Therefore, Applicants have failed to present evidence under 37 CFR 1.131 for conception and/or reduction to practice of the claimed invention for dynamically configuring a speech recognition portal during a session so as to overcome the rejection of claims 1 to 20 under 35 U.S.C. §102(e) as being anticipated by *Woods et al.* Accordingly, the rejection of claims 1 to 20 under 35 U.S.C. §102(e) as being anticipated by *Woods et al.* is proper.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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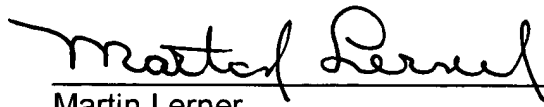
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML
6/21/05


Martin Lerner
Examiner
Group Art Unit 2654